

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

BROOKLYN OFFICE

UNITED STATES OF AMERICA,

v.

PETER POLOUIZZI,

Defendant.

No. 06-CR-22 (JBW)

ORDER

JACK B. WEINSTEIN, Senior United States District Judge:

The court's January 20, 2010 memorandum and order granting a new trial (aka "*Poulizzi V*"), Docket Entry No. 222, is revised as follows:

1. The text below at page 59 in the second paragraph of Section IV.A, directly before

"Essay, *The Role of Judges in a Government Of, By, and For the People . . .*":

Morris Cohen, *Historical Research Sources on Early American Criminal Law, Criminal Procedure and Evidence in Current Trends in Criminal Procedure and Evidence: A Collection of Essays in Honor of Professor Eliahu Haron* 25-48 (Anat Horowitz & Mordechi Kremnitzer eds., 2009);

2. The text below is inserted at page 60 in the fourth paragraph of Section IV.A, directly after "were exercised consistently by jurors":

who were aware or made aware of the punishments their verdicts would entail,

3. The text below is inserted at page 61 at the end of the fifth paragraph of Section IV.A, directly after "The Palladium of Justice: Origins of Trial by Jury 69-105 (1st ed. 1999).":

If the law is not hidden from them, "[t]he people can always nullify an unpopular law if they feel like it, and there is no power on earth that can stop them" See Bruce Catton, *The Centennial History of the American Civil War: The Coming Fury* 44 (2001).

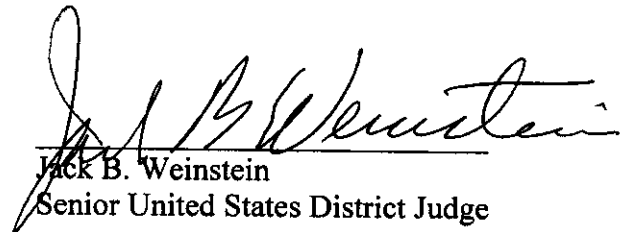
4. The text below is inserted at page 124 in the second paragraph of Section IV.F, directly after “*cf. America’s Unjust Sex Laws; Illiberal Politics*, Economist, Aug. 6, 2009;”:

Judge James Gwin, *Juror Sentiment on Just Punishment: Do the Federal Sentencing Guidelines Reflect Community Values?* 4 Harv. L. & Pol. Rev. (forthcoming 2010) (summarizing actual jurors’ views; they would have imposed incarcerative punishments in criminal cases generally only some 20% as long as those likely to be imposed under the Guidelines).

5. The repetitive text at page 124 in line nine of the second paragraph of Section IV.F, viz “*Unjust and Ineffective; Sex Laws*, Economist, Aug. 6, 2009,” is stricken.

The corrected pages are attached with their corrections in the Amended document filed and docketed today.

SO ORDERED.


Jack B. Weinstein
Senior United States District Judge

Date: February 11, 2010
Brooklyn, New York